



DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 41

[Docket No. PTO-P-2023-0005]

RIN 0651-AD66

Reducing Patent Fees for Small Entities and Micro Entities Under the Unleashing American Innovators Act of 2022

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Final rule.

SUMMARY: The United States Patent and Trademark Office (Office or USPTO) amends patent fees for small and micro entities set forth in its regulations to implement the provisions of the Consolidated Appropriations Act, 2023—which included the Unleashing American Innovators Act of 2022 (UAIA). The UAIA, signed into law on December 29, 2022, supports the USPTO’s efforts to reduce the innovation ecosystem’s barriers to entry. The UAIA increased fee discounts for small entities from 50% to 60% and fee discounts for micro entities from 75% to 80% for fees for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents. The UAIA also increased fee discounts for small entities from 75% to 80% for filing a basic nonprovisional utility application electronically.

DATES: *Effective date:* This final rule is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], except for the amendment to § 1.16(u) at instruction 3, which is effective on April 3, 2023.

Applicability: The amendments to §§ 1.445(a)(5) and 1.482 shall apply to those international applications under the Patent Cooperation Treaty having a receipt date on or after April 1, 2023. The amendments to § 1.18(b)(1) shall apply to those international design

applications under the Hague Agreement having a date of international registration on or after May 1, 2023.

FOR FURTHER INFORMATION CONTACT: Brendan Hourigan, Director, Office of Planning and Budget, by telephone at 571-272-8966, or by email at Brendan.Hourigan@uspto.gov; or Dianne Buie, Director, Forecasting and Analysis Division, by telephone at 571-272-6301, or by email at Dianne.Buie@uspto.gov.

SUPPLEMENTARY INFORMATION

Purpose of This Action

The Office issues this final rule to amend 37 CFR parts 1 and 41 to reflect amendments enacted by the UAIA on December 29, 2022. *See Consolidated Appropriations Act, 2023, Pub. L. No. 117-328. Section 107 of the UAIA, “Fee Reduction for Small and Micro Entities,” amended 35 U.S.C. 41(h)(1) and section 10(b) of the America Invents Act (AIA), Pub. L. No. 112-29, 125 Stat. 284, as amended by the SUCCESS Act, Pub. L. No. 115-273, 132 Stat. 4158, by (1) striking “50 percent” and inserting “60 percent” for fee reductions for small entities and (2) by striking “75 percent” and inserting “80 percent” for fee reductions for micro entities. Consequently, the Office is now required under 35 U.S.C. 41(h)(1) and section 10(b) of the AIA to reduce patent fees for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents by 60% for small entities and by 80% for micro entities. Section 107 of the UAIA also amended 35 U.S.C. 41(h)(3) by striking “75 percent” and inserting “80 percent” for fee reductions for small entities filing a basic nonprovisional utility application electronically under 35 U.S.C. 41(a)(1)(A). Fee rates reflecting these amended discounts for small and micro entities were made available to the public on December 29, 2022, and published on the USPTO's website, <https://www.uspto.gov/fees>.*

The changes in this final rule apply to any small or micro entity that pays any patent fee set forth in this final rule. The reduced fee rates (60% for small entities and 80% for micro entities) apply to any small entity asserting small entity status and to any micro entity certifying

micro entity status for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents.

Due to the USPTO's requirement to provide advance notification to the World Intellectual Property Organization (WIPO) for certain fee changes before such fee changes can take effect, as provided under the Hague Agreement and the Patent Cooperation Treaty, the discount to certain small and micro fees are delayed until the expiration of the applicable notification period. The changes to § 1.18(b)(1) shall apply to those international design applications under the Hague Agreement having a date of international registration on or after May 1, 2023. Certain changes to § 1.445(a)(2) and (a)(3) shall apply to those international applications under the Patent Cooperation Treaty having a receipt date on or after April 1, 2023. The changes to § 1.445(a)(5) and § 1.482 shall take effect on April 1, 2023.

Discussion of Specific Rules

The following table shows all of the small entity and micro entity fees in 37 CFR parts 1 and 41 that are being adjusted in this final rule to reflect the new small entity and micro entity discounts. Only the fee amounts for small and micro entities set forth below are being adjusted. Any other fees paid by small and micro entities are not affected by this final rule.

Table 1: CFR Fee Changes

CFR section	Fee code	Description	Entity type	Previous fees (dollars)	Final rule fees (dollars)
1.16(a)	2011	Basic filing fee - Utility (paper filing also requires non-electronic filing fee under 1.16(t))	Small	\$160	\$128
1.16(a)	3011	Basic filing fee – Utility (paper filing also requires non-electronic filing fee under 1.16(t))	Micro	\$80	\$64
1.16(a)	4011	Basic filing fee - Utility (electronic filing for small entity)	Small	\$80	\$64
1.16(b)	2012	Basic filing fee – Design	Small	\$110	\$88
1.16(b)	2017	Basic filing fee – Design (CPA)	Small	\$110	\$88
1.16(b)	3012	Basic filing fee – Design	Micro	\$55	\$44
1.16(b)	3017	Basic filing fee – Design (CPA)	Micro	\$55	\$44
1.16(c)	2013	Basic filing fee – Plant	Small	\$110	\$88
1.16(c)	3013	Basic filing fee – Plant	Micro	\$55	\$44
1.16(d)	2005	Provisional application filing fee	Small	\$150	\$120

1.16(d)	3005	Provisional application filing fee	Micro	\$75	\$60
1.16(e)	2014	Basic filing fee – Reissue	Small	\$160	\$128
1.16(e)	2019	Basic filing fee – Reissue (Design CPA)	Small	\$160	\$128
1.16(e)	3014	Basic filing fee – Reissue	Micro	\$80	\$64
1.16(e)	3019	Basic filing fee – Reissue (Design CPA)	Micro	\$80	\$64
1.16(f)	2051	Surcharge - Late filing fee, search fee, examination fee, inventor's oath or declaration, or application filed without at least one claim or by reference	Small	\$80	\$64
1.16(f)	3051	Surcharge - Late filing fee, search fee, examination fee, inventor's oath or declaration, or application filed without at least one claim or by reference	Micro	\$40	\$32
1.16(g)	2052	Surcharge - Late provisional filing fee or cover sheet	Small	\$30	\$24
1.16(g)	3052	Surcharge - Late provisional filing fee or cover sheet	Micro	\$15	\$12
1.16(h)	2201	Each independent claim in excess of three	Small	\$240	\$192
1.16(h)	2204	Each reissue independent claim in excess of three	Small	\$240	\$192
1.16(h)	3201	Each independent claim in excess of three	Micro	\$120	\$96
1.16(h)	3204	Each reissue independent claim in excess of three	Micro	\$120	\$96
1.16(i)	2202	Each claim in excess of 20	Small	\$50	\$40
1.16(i)	2205	Each reissue claim in excess of 20	Small	\$50	\$40
1.16(i)	3202	Each claim in excess of 20	Micro	\$25	\$20
1.16(i)	3205	Each reissue claim in excess of 20	Micro	\$25	\$20
1.16(j)	2203	Multiple dependent claim	Small	\$430	\$344
1.16(j)	3203	Multiple dependent claim	Micro	\$215	\$172
1.16(k)	2111	Utility search fee	Small	\$350	\$280
1.16(k)	3111	Utility search fee	Micro	\$175	\$140
1.16(l)	2112	Design search Fee or Design CPA search fee	Small	\$80	\$64
1.16(l)	3112	Design Search Fee or Design CPA search fee	Micro	\$40	\$32
1.16(m)	2113	Plant search fee	Small	\$220	\$176
1.16(m)	3113	Plant search fee	Micro	\$110	\$88
1.16(n)	2114	Reissue search fee or Reissue (Design CPA) search fee	Small	\$350	\$280
1.16(n)	3114	Reissue search fee or Reissue (Design CPA) search fee	Micro	\$175	\$140
1.16(o)	2311	Utility examination fee	Small	\$400	\$320
1.16(o)	3311	Utility examination fee	Micro	\$200	\$160
1.16(p)	2312	Design examination fee or Design CPA examination fee	Small	\$320	\$256
1.16(p)	3312	Design examination fee or Design CPA examination fee	Micro	\$160	\$128
1.16(q)	2313	Plant examination fee	Small	\$330	\$264
1.16(q)	3313	Plant examination fee	Micro	\$165	\$132
1.16(r)	2314	Reissue examination fee or reissue (Design CPA) examination fee	Small	\$1,160	\$928
1.16(r)	3314	Reissue examination fee or reissue (Design CPA) examination fee	Micro	\$580	\$464
1.16(s)	2081	Utility application size fee - for each additional 50 sheets that exceeds 100 sheets	Small	\$210	\$168

1.16(s)	2082	Design application size fee - for each additional 50 sheets that exceeds 100 sheets	Small	\$210	\$168
1.16(s)	2083	Plant application size fee - for each additional 50 sheets that exceeds 100 sheets	Small	\$210	\$168
1.16(s)	2084	Reissue application size fee - for each additional 50 sheets that exceeds 100 sheets	Small	\$210	\$168
1.16(s)	2085	Provisional application size fee - for each additional 50 sheets that exceeds 100 sheets	Small	\$210	\$168
1.16(s)	3081	Utility application size fee - for each additional 50 sheets that exceeds 100 sheets	Micro	\$105	\$84
1.16(s)	3082	Design application size fee - for each additional 50 sheets that exceeds 100 sheets	Micro	\$105	\$84
1.16(s)	3083	Plant application size fee - for each additional 50 sheets that exceeds 100 sheets	Micro	\$105	\$84
1.16(s)	3084	Reissue application size fee - for each additional 50 sheets that exceeds 100 sheets	Micro	\$105	\$84
1.16(s)	3085	Provisional application size fee - for each additional 50 sheets that exceeds 100 sheets	Micro	\$105	\$84
1.16(u)	2054	Non-DOCX filing surcharge fee	Small	\$200	\$160
1.16(u)	3054	Non-DOCX filing surcharge fee	Micro	\$100	\$80
1.17(a)(1)	2251	Extension for response within first month	Small	\$110	\$88
1.17(a)(1)	3251	Extension for response within first month	Micro	\$55	\$44
1.17(a)(2)	2252	Extension for response within second month	Small	\$320	\$256
1.17(a)(2)	3252	Extension for response within second month	Micro	\$160	\$128
1.17(a)(3)	2253	Extension for response within third month	Small	\$740	\$592
1.17(a)(3)	3253	Extension for response within third month	Micro	\$370	\$296
1.17(a)(4)	2254	Extension for response within fourth month	Small	\$1,160	\$928
1.17(a)(4)	3254	Extension for response within fourth month	Micro	\$580	\$464
1.17(a)(5)	2255	Extension for response within fifth month	Small	\$1,580	\$1,264
1.17(a)(5)	3255	Extension for response within fifth month	Micro	\$790	\$632
1.17(c)	2817	Request for prioritized examination	Small	\$2,100	\$1,680
1.17(c)	3817	Request for prioritized examination	Micro	\$1,050	\$840
1.17(d)	2819	Correction of inventorship after first action on merits	Small	\$320	\$256
1.17(d)	3819	Correction of inventorship after first action on merits	Micro	\$160	\$128
1.17(e)(1)	2801	Request for continued examination (RCE) - 1st request (see 37 CFR 1.114)	Small	\$680	\$544
1.17(e)(1)	3801	Request for continued examination (RCE) - 1st request (see 37 CFR 1.114)	Micro	\$340	\$272
1.17(e)(2)	2820	Request for continued examination (RCE) - 2nd and subsequent request (see 37 CFR 1.114)	Small	\$1,000	\$800

1.17(e)(2)	3820	Request for continued examination (RCE) - 2nd and subsequent request (see 37 CFR 1.114)	Micro	\$500	\$400
1.17(f)	2462	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	Small	\$210	\$168
1.17(f)	3462	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	Micro	\$105	\$84
1.17(g)	2463	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	Small	\$110	\$88
1.17(g)	3463	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	Micro	\$55	\$44
1.17(h)	2464	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)	Small	\$70	\$56
1.17(h)	3464	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)	Micro	\$35	\$28
1.17(i)(1)	2053	Non-English translation	Small	\$70	\$56
1.17(i)(1)	2830	Processing fee, except in provisional applications	Small	\$70	\$56
1.17(i)(1)	3053	Non-English translation	Micro	\$35	\$28
1.17(i)(1)	3830	Processing fee, except in provisional applications	Micro	\$35	\$28
1.17(k)	2802	Request for expedited examination of a design application	Small	\$800	\$640
1.17(k)	3802	Request for expedited examination of a design application	Micro	\$400	\$320
1.17(m)	2453	Petition for revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, or for the delayed response by the patent owner in any reexamination proceeding	Small	\$1,050	\$840
1.17(m)	2454	Petition for the delayed submission of a priority or benefit claim, or to restore the right of priority or benefit	Small	\$1,050	\$840
1.17(m)	2558	Petition for the delayed payment of the fee for maintaining a patent in force	Small	\$1,050	\$840
1.17(m)	2628	Petition for the extension of the twelve-month (six-month for designs) period for filing a subsequent application	Small	\$1,050	\$840
1.17(m)	2784	Petition to excuse applicant's failure to act within prescribed time limits in an international design application	Small	\$1,050	\$840
1.17(m)	3453	Petition for revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, or for the delayed response by the patent owner in any reexamination proceeding	Micro	\$525	\$420
1.17(m)	3454	Petition for the delayed submission of a priority or benefit claim, or to restore the right of priority or benefit	Micro	\$525	\$420
1.17(m)	3558	Petition for the delayed payment of the fee for maintaining a patent in force	Micro	\$525	\$420
1.17(m)	3628	Petition for the extension of the twelve-month (six-month for designs) period for filing a subsequent application	Micro	\$525	\$420

1.17(m)	3784	Petition to excuse applicant's failure to act within prescribed time limits in an international design application	Micro	\$525	\$420
1.17(o)	2818	Document fee for third-party submissions (see 37 CFR 1.290(f))	Small	\$90	\$72
1.17(p)	2806	Submission of an Information Disclosure Statement	Small	\$130	\$104
1.17(p)	3806	Submission of an Information Disclosure Statement	Micro	\$65	\$52
1.17(r)	2809	Filing a submission after final rejection (see 37 CFR 1.129(a))	Small	\$440	\$352
1.17(r)	3809	Filing a submission after final rejection (see 37 CFR 1.129(a))	Micro	\$220	\$176
1.17(s)	2810	For each additional invention to be examined (see 37 CFR 1.129(b))	Small	\$440	\$352
1.17(s)	3810	For each additional invention to be examined (see 37 CFR 1.129(b))	Micro	\$220	\$176
1.17(t)	2783	Petition to convert an international design application to a design application under 35 U.S.C. chapter 16	Small	\$90	\$72
1.17(t)	3783	Petition to convert an international design application to a design application under 35 U.S.C. chapter 16	Micro	\$45	\$36
1.18(a)(1)	2501	Utility issue fee	Small	\$600	\$480
1.18(a)(1)	2511	Reissue issue fee	Small	\$600	\$480
1.18(a)(1)	3501	Utility issue fee	Micro	\$300	\$240
1.18(a)(1)	3511	Reissue issue fee	Micro	\$300	\$240
1.18(b)(1)	2502	Design issue fee	Small	\$370	\$296
1.18(b)(1)	3502	Design issue fee	Micro	\$185	\$148
1.18(c)(1)	2503	Plant issue fee	Small	\$420	\$336
1.18(c)(1)	3503	Plant issue fee	Micro	\$210	\$168
1.20(c)(1)	2831	Ex parte reexamination (§ 1.510(a)) Streamlined	Small	\$3,150	\$2,520
1.20(c)(1)	3831	Ex parte Reexamination (§ 1.510(a)) streamlined	Micro	\$1,575	\$1,260
1.20(c)(2)	2812	Ex parte reexamination (§ 1.510(a)) non-streamlined	Small	\$6,300	\$5,040
1.20(c)(2)	3812	Ex parte reexamination (§ 1.510(a)) non-streamlined	Micro	\$3,150	\$2,520
1.20(c)(3)	2821	Each reexamination independent claim in excess of three and also in excess of the number of such claims in the patent under reexamination	Small	\$240	\$192
1.20(c)(3)	3821	Each reexamination independent claim in excess of three and also in excess of the number of such claims in the patent under reexamination	Micro	\$120	\$96
1.20(c)(4)	2822	Each reexamination claim in excess of 20 and also in excess of the number of claims in the patent under reexamination	Small	\$50	\$40
1.20(c)(4)	3822	Each reexamination claim in excess of 20 and also in excess of the number of claims in the patent under reexamination	Micro	\$25	\$20
1.20(c)(6)	2824	Petitions in a reexamination proceeding, except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d)	Small	\$1,020	\$816

1.20(c)(6)	3824	Petitions in a reexamination proceeding, except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d)	Micro	\$510	\$408
1.20(e)	2551	For maintaining an original or any reissue patent, due at 3.5 years	Small	\$1,000	\$800
1.20(e)	3551	For maintaining an original or any reissue patent, due at 3.5 years	Micro	\$500	\$400
1.20(f)	2552	For maintaining an original or any reissue patent, due at 7.5 years	Small	\$1,880	\$1,504
1.20(f)	3552	For maintaining an original or any reissue patent, due at 7.5 years	Micro	\$940	\$752
1.20(g)	2553	For maintaining an original or any reissue patent, due at 11.5 years	Small	\$3,850	\$3,080
1.20(g)	3553	For maintaining an original or any reissue patent, due at 11.5 years	Micro	\$1,925	\$1,540
1.20(h)	2554	Surcharge - 3.5 year - late payment within 6 months	Small	\$250	\$200
1.20(h)	2555	Surcharge - 7.5 year - late payment within 6 months	Small	\$250	\$200
1.20(h)	2556	Surcharge - 11.5 year - late payment within 6 months	Small	\$250	\$200
1.20(h)	3554	Surcharge - 3.5 year - late payment within 6 months	Micro	\$125	\$100
1.20(h)	3555	Surcharge - 7.5 year - late payment within 6 months	Micro	\$125	\$100
1.20(h)	3556	Surcharge - 11.5 year - late payment within 6 months	Micro	\$125	\$100
1.20(k)(1)	2826	Request for supplemental examination	Small	\$2,310	\$1,848
1.20(k)(1)	3826	Request for supplemental examination	Micro	\$1,155	\$924
1.20(k)(2)	2827	Reexamination ordered as a result of supplemental examination	Small	\$6,350	\$5,080
1.20(k)(2)	3827	Reexamination ordered as a result of supplemental examination	Micro	\$3,175	\$2,540
1.20(k)(3)(i)	2828	Supplemental examination document size fee - for nonpatent document having between 21 and 50 sheets	Small	\$90	\$72
1.20(k)(3)(i)	3828	Supplemental examination document size fee - for nonpatent document having between 21 and 50 sheets	Micro	\$45	\$36
1.20(k)(3)(ii)	2829	Supplemental examination document size fee - for each additional 50 sheets or a fraction thereof in a nonpatent document	Small	\$150	\$120
1.20(k)(3)(ii)	3829	Supplemental examination document size fee - for each additional 50 sheets or a fraction thereof in a nonpatent document	Micro	\$75	\$60
1.21(o)(1)	2091	Submission of sequence listings of 300Mb to 800Mb	Small	\$530	\$424
1.21(o)(1)	3091	Submission of sequence listings of 300Mb to 800Mb	Micro	\$265	\$212
1.21(o)(2)	2092	Submission of sequence listings of more than 800Mb	Small	\$5,250	\$4,200
1.21(o)(2)	3092	Submission of sequence listings of more than 800Mb	Micro	\$2,625	\$2,100
1.445(a)(1)(i)(A)	2601	Transmittal fee	Small	\$130	\$104
1.445(a)(1)(i)(A)	3601	Transmittal fee	Micro	\$65	\$52

1.445(a)(2)(i)	2602	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	Small	\$1,090	\$872
1.445(a)(2)(i)	3602	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	Micro	\$545	\$436
1.445(a)(3)(i)	2604	Supplemental search fee when required, per additional invention	Small	\$1,090	\$872
1.445(a)(3)(i)	3604	Supplemental search fee when required, per additional invention	Micro	\$545	\$436
1.445(a)(4)	2621	Transmitting application to Intl. Bureau to act as receiving office	Small	\$130	\$104
1.445(a)(4)	3621	Transmitting application to Intl. Bureau to act as receiving office	Micro	\$65	\$52
1.445(a)(5)/ 1.482(c)	2627	Late furnishing fee for providing a sequence listing in response to an invitation under PCT Rule 13 ^{ter}	Small	\$160	\$128
1.445(a)(5)/ 1.482(c)	3627	Late furnishing fee for providing a sequence listing in response to an invitation under PCT Rule 13 ^{ter}	Micro	\$80	\$64
1.482(a)(1)(i)	2605	Preliminary examination fee - U.S. was the ISA	Small	\$320	\$256
1.482(a)(1)(i)	3605	Preliminary examination fee - U.S. was the ISA	Micro	\$160	\$128
1.482(a)(1)(ii)	2606	Preliminary examination fee - U.S. was not the ISA	Small	\$400	\$320
1.482(a)(1)(ii)	3606	Preliminary examination fee - U.S. was not the ISA	Micro	\$200	\$160
1.482(a)(2)	2607	Supplemental examination fee per additional invention	Small	\$320	\$256
1.482(a)(2)	3607	Supplemental examination fee per additional invention	Micro	\$160	\$128
1.492(a)	2631	Basic national stage fee	Small	\$160	\$128
1.492(a)	3631	Basic national stage fee	Micro	\$80	\$64
1.492(b)(2)	2641	National stage search fee - U.S. was the ISA	Small	\$70	\$56
1.492(b)(2)	3641	National stage search fee - U.S. was the ISA	Micro	\$35	\$28
1.492(b)(3)	2642	National stage search fee - search report prepared and provided to USPTO	Small	\$270	\$216
1.492(b)(3)	3642	National stage search fee - search report prepared and provided to USPTO	Micro	\$135	\$108
1.492(b)(4)	2632	National stage search fee - all other situations	Small	\$350	\$280
1.492(b)(4)	3632	National stage search fee - all other situations	Micro	\$175	\$140
1.492(c)(2)	2633	National stage examination fee - all other situations	Small	\$400	\$320
1.492(c)(2)	3633	National stage examination fee - all other situations	Micro	\$200	\$160
1.492(d)	2614	Each independent claim in excess of three	Small	\$240	\$192
1.492(d)	3614	Each independent claim in excess of three	Micro	\$120	\$96
1.492(e)	2615	Each claim in excess of 20	Small	\$50	\$40
1.492(e)	3615	Each claim in excess of 20	Micro	\$25	\$20
1.492(f)	2616	Multiple dependent claim	Small	\$430	\$344

1.492(f)	3616	Multiple dependent claim	Micro	\$215	\$172
1.492(h)	2617	Search fee, examination fee or oath or declaration after the date of commencement of the national stage	Small	\$80	\$64
1.492(h)	3617	Search fee, examination fee or oath or declaration after the date of commencement of the national stage	Micro	\$40	\$32
1.492(i)	2618	English translation after thirty months from priority date	Small	\$70	\$56
1.492(i)	3618	English translation after thirty months from priority date	Micro	\$35	\$28
1.492(j)	2681	National stage application size fee - for each additional 50 sheets that exceeds 100 sheets	Small	\$210	\$168
1.492(j)	3681	National stage application size fee - for each additional 50 sheets that exceeds 100 sheets	Micro	\$105	\$84
1.1031(a)	2781	Hague International design application - Transmittal Fee	Small	\$60	\$48
1.1031(a)	3781	Hague International design application - Transmittal Fee	Micro	\$30	\$24
41.20(b)(1)	2401	Notice of appeal	Small	\$420	\$336
41.20(b)(1)	3401	Notice of appeal	Micro	\$210	\$168
41.20(b)(2)(ii)	2404	Filing a brief in support of an appeal in an inter partes reexamination proceeding	Small	\$1,050	\$840
41.20(b)(2)(ii)	3404	Filing a brief in support of an appeal in an inter partes reexamination proceeding	Micro	\$525	\$420
41.20(b)(3)	2403	Request for oral hearing	Small	\$680	\$544
41.20(b)(3)	3403	Request for oral hearing	Micro	\$340	\$272
41.20(b)(4)	2413	Forwarding an appeal in an application or ex parte reexamination proceeding to the Board	Small	\$1,180	\$944
41.20(b)(4)	3413	Forwarding an appeal in an application or ex parte reexamination proceeding to the Board	Micro	\$590	\$472

Rulemaking Considerations

A. Administrative Procedure Act (APA): This final rule implements amendments enacted in section 107 of the UAIA on December 29, 2022, which amended 35 U.S.C. 41(h) and section 10(b) of the America Invents Act (AIA), Pub. L. No. 112-29, 125 Stat. 284, to require the Office to reduce patent fees for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents by 60% for small entities and by 80% for micro entities and to reduce the basic filing fee for nonprovisional utility applications filed electronically by 80% for small entities. The changes in this final rule simply implement the provisions of the UAIA, and involve the rules of agency practice and procedure, and/or interpretive rules. *See Perez v. Mortgage*

Bankers Ass'n, 135 S. Ct. 1199, 1204 (2015) (interpretive rules “advise the public of the agency's construction of the statutes and rules which it administers”) (citations and internal quotation marks omitted); *Nat'l Org. of Veterans' Advocates v. Sec'y of Veterans Affairs*, 260 F.3d 1365, 1375 (Fed. Cir. 2001) (rule that clarifies interpretation of a statute is interpretive); *Bachow Commc'ns Inc. v. FCC*, 237 F.3d 683, 690 (D.C. Cir. 2001) (rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp. v. Shalala*, 244 F.3d 342, 350 (4th Cir. 2001) (rules for handling appeals are procedural where they do not change the substantive standard for reviewing claims).

Accordingly, prior notice and opportunity for public comment for the changes in this rulemaking are not required pursuant to 5 U.S.C. 553(b) or (c), or any other law. *See Perez*, 135 S. Ct. at 1206 (notice-and-comment procedures are not required when an agency “issue[s] an initial interpretive rule” or when it amends or repeals that interpretive rule); *Cooper Techs. Co. v. Dudas*, 536 F.3d 1330, 1336-37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice-and-comment rulemaking for “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice” (quoting 5 U.S.C. 553(b)(A))).

In addition, the Office finds good cause pursuant to the authority at 5 U.S.C. 553(b)(B) and (d)(3) to dispense with prior notice and opportunity for public comment, and to publish this final rule with an immediate effective date, because such procedures are impracticable and contrary to the public interest. The discount percentages and the fees to which they are applicable are set by the terms of the UAIA, and the Office has no discretion to make changes in those areas. The UAIA amendments were effective as of the date of enactment of the statute, which is December 29, 2022. Thus, this final rule revises the patent fees for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents, to reflect the new discount percentages immediately. If this rulemaking were to be delayed to allow for prior notice and opportunity for public comment and a 30-day delay in effective date, USPTO's regulations

would remain out of date with the current fees adjusted by statute, which would create confusion as to current fee amounts. Thus, the USPTO implements this final rule without prior notice and opportunity for comment and with immediate effect.

B. Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a Regulatory Flexibility Act analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. *See* 5 U.S.C. 603.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order (E.O.) 12866 (Sept. 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review): The Office has complied with E.O. 13563 (Jan. 18, 2011). Specifically, the Office has, to the extent feasible and applicable: (1) made a reasoned determination that the benefits justify the costs of this final rule; (2) tailored this final rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 13132 (Federalism): This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under E.O. 13132 (Aug. 4, 1999).

F. Executive Order 13175 (Tribal Consultation): This rulemaking will not: (1) have substantial direct effects on one or more Indian tribes, (2) impose substantial direct compliance costs on Indian tribal governments, or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under E.O. 13175 (Nov. 6, 2000).

G. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action under E.O. 13211 (May 18, 2001) because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under E.O. 13211.

H. Executive Order 12988 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of E.O. 12988 (Feb. 5, 1996).

I. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under E.O. 13045 (Apr. 21, 1997).

J. Executive Order 12630 (Taking of Private Property): This rulemaking will not affect a taking of private property or otherwise have taking implications under E.O. 12630 (Mar. 15, 1988).

K. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to result in a “major rule” as defined in 5 U.S.C. 804(2).

L. Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a federal intergovernmental mandate that will result in the expenditure by state, local, and tribal governments, in the aggregate, of \$100 million (as adjusted) or more in any one year, or a federal private sector mandate that will result in the expenditure by the private sector of \$100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

M. National Environmental Policy Act: This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

N. National Technology Transfer and Advancement Act: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not

applicable because this rulemaking does not contain provisions that involve the use of technical standards.

O. Paperwork Reduction Act: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires that the Office consider the impact of paperwork and other information collection burdens imposed on the public. This Final Rule involves information collection requirements that are subject to review by the OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3549). The collection of information involved in this Final Rule have been reviewed and previously approved by the OMB under control numbers: 0651-0016, 0651-0021, 0651-0024, 0651-0031, 0651-0032, 0651-0033, 0651-0059, 0651-0062, 0651-0063, 0651-0064, and 0651-0073. In addition, updates to the aforementioned information collections as a result of this Final Rule have been submitted to the OMB as non-substantive change requests.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

P. E-Government Act Compliance: The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects

37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

37 CFR Part 41

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the USPTO amends 37 CFR parts 1 and 41 as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

2. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], § 1.16 is amended by revising the tables in paragraphs (a) through (s) to read as follows:

§ 1.16 National application filing, search, and examination fees.

(a) * * *

Table 1 to Paragraph (a)

By a micro entity (§ 1.29).....	\$64.00
By a small entity (§ 1.27(a)).....	\$128.00
By a small entity (§ 1.27(a)) if the application is submitted in compliance with the USPTO patent electronic filing system (§ 1.27(b)(2)).....	\$64.00
By other than a small or micro entity.....	\$320.00

(b) * * *

Table 2 to Paragraph (b)

By a micro entity (§ 1.29).....	\$44.00
By a small entity (§ 1.27(a)).....	\$88.00

By other than a small or micro entity.....	\$220.00
--	----------

(c) * * *

Table 3 to Paragraph (c)

By a micro entity (§ 1.29).....	\$44.00
By a small entity (§ 1.27(a)).....	\$88.00
By other than a small or micro entity.....	\$220.00

(d) * * *

Table 4 to Paragraph (d)

By a micro entity (§ 1.29).....	\$60.00
By a small entity (§ 1.27(a)).....	\$120.00
By other than a small or micro entity.....	\$300.00

(e) * * *

Table 5 to Paragraph (e)

By a micro entity (§ 1.29).....	\$64.00
By a small entity (§ 1.27(a)).....	\$128.00
By other than a small or micro entity.....	\$320.00

(f) * * *

Table 6 to Paragraph (f)

By a micro entity (§ 1.29).....	\$32.00
By a small entity (§ 1.27(a)).....	\$64.00
By other than a small or micro entity.....	\$160.00

(g) * * *

Table 7 to Paragraph (g)

By a micro entity (§ 1.29).....	\$12.00
By a small entity (§ 1.27(a)).....	\$24.00
By other than a small or micro entity.....	\$60.00

(h) * * *

Table 8 to Paragraph (h)

By a micro entity (§ 1.29).....	\$96.00
By a small entity (§ 1.27(a)).....	\$192.00
By other than a small or micro entity.....	\$480.00

(i) * * *

Table 9 to Paragraph (i)

By a micro entity (§ 1.29).....	\$20.00
By a small entity (§ 1.27(a)).....	\$40.00
By other than a small or micro entity.....	\$100.00

(j) * * *

Table 10 to Paragraph (j)

By a micro entity (§ 1.29).....	\$172.00
By a small entity (§ 1.27(a)).....	\$344.00
By other than a small or micro entity.....	\$860.00

(k) * * *

Table 11 to Paragraph (k)

By a micro entity (§ 1.29).....	\$140.00
By a small entity (§ 1.27(a)).....	\$280.00
By other than a small or micro entity.....	\$700.00

(l) * * *

Table 12 to Paragraph (l)

By a micro entity (§ 1.29).....	\$32.00
By a small entity (§ 1.27(a)).....	\$64.00
By other than a small or micro entity.....	\$160.00

(m) * * *

Table 13 to Paragraph (m)

By a micro entity (§ 1.29).....	\$88.00
By a small entity (§ 1.27(a)).....	\$176.00
By other than a small or micro entity.....	\$440.00

(n) * * *

Table 14 to Paragraph (n)

By a micro entity (§ 1.29).....	\$140.00
By a small entity (§ 1.27(a)).....	\$280.00
By other than a small or micro entity.....	\$700.00

(o) * * *

Table 15 to Paragraph (o)

By a micro entity (§ 1.29).....	\$160.00
By a small entity (§ 1.27(a)).....	\$320.00
By other than a small or micro entity.....	\$800.00

(p) * * *

Table 16 to Paragraph (p)

By a micro entity (§ 1.29).....	\$128.00
By a small entity (§ 1.27(a)).....	\$256.00
By other than a small or micro entity.....	\$640.00

(q) * * *

Table 17 to Paragraph (q)

By a micro entity (§ 1.29).....	\$132.00
By a small entity (§ 1.27(a)).....	\$264.00
By other than a small or micro entity.....	\$660.00

(r) * * *

Table 18 to Paragraph (r)

By a micro entity (§ 1.29).....	\$464.00
By a small entity (§ 1.27(a)).....	\$928.00
By other than a small or micro entity.....	\$2,320.00

(s) * * *

Table 19 to Paragraph (s)

By a micro entity (§ 1.29).....	\$84.00
By a small entity (§ 1.27(a)).....	\$168.00
By other than a small or micro entity.....	\$420.00

* * * * *

3. Effective April 3, 2023, § 1.16 is further amended by revising the table in paragraph (u), as added Aug. 3, 2020, at 85 FR 46985, effective Jan. 1, 2022, and delayed until Jan 1, 2023, at 86 FR 66193, Nov. 22, 2021, and further delayed until Apr. 3, 2023, at 87 FR 80073, Dec. 29, 2022, to read as follows:

§ 1.16 National application filing, search, and examination fees.

* * * * *

(u) * * *

Table 21 to Paragraph (u)

By a micro entity (§ 1.29).....	\$80.00
By a small entity (§ 1.27(a)).....	\$160.00
By a small entity (§ 1.27(a)) if the application is submitted in compliance with the USPTO patent electronic filing system (§ 1.27(b)(2)).....	\$160.00
By other than a small or micro entity.....	\$400.00

4. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], § 1.17 is amended by revising the tables in paragraphs (a)(1) through (5), (c), (d), (e)(1) and (2), (f) through (h), (i)(1), (k), (m), (o), (p), and (r) through (t) to read as follows:

§ 1.17 Patent application and reexamination processing fees.

(a) * * *

(1) * * *

Table 1 to Paragraph (a)(1)

By a micro entity (§ 1.29).....	\$44.00
By a small entity (§ 1.27(a))	\$88.00
By other than a small or micro entity.....	\$220.00

(2) * * *

Table 2 to Paragraph (a)(2)

By a micro entity (§ 1.29).....	\$128.00
By a small entity (§ 1.27(a))	\$256.00
By other than a small or micro entity.....	\$640.00

(3) * * *

Table 3 to Paragraph (a)(3)

By a micro entity (§ 1.29).....	\$296.00
By a small entity (§ 1.27(a))	\$592.00
By other than a small or micro entity.....	\$1,480.00

(4) * * *

Table 4 to Paragraph (a)(4)

By a micro entity (§ 1.29).....	\$464.00
By a small entity (§ 1.27(a))	\$928.00
By other than a small or micro entity.....	\$2,320.00

(5) * * *

Table 5 to Paragraph (a)(5)

By a micro entity (§ 1.29).....	\$632.00
By a small entity (§ 1.27(a))	\$1,264.00

By other than a small or micro entity.....	\$3,160.00
--	------------

* * * * *

(c) * * *

Table 6 to Paragraph (c)

By a micro entity (§ 1.29)	\$840.00
By a small entity (§ 1.27(a))	\$1,680.00
By other than a small or micro entity.....	\$4,200.00

(d) * * *

Table 7 to Paragraph (d)

By a micro entity (§ 1.29).....	\$128.00
By a small entity (§ 1.27(a))	\$256.00
By other than a small or micro entity.....	\$640.00

(e) * * *

(1) * * *

Table 8 to Paragraph (e)(1)

By a micro entity (§ 1.29)	\$272.00
By a small entity (§ 1.27(a))	\$544.00
By other than a small or micro entity.....	\$1,360.00

(2) * * *

Table 9 to Paragraph (e)(2)

By a micro entity (§ 1.29).....	\$400.00
By a small entity (§ 1.27(a))	\$800.00
By other than a small or micro entity.....	\$2,000.00

(f) * * *

Table 10 to Paragraph (f)

By a micro entity (§ 1.29).....	\$84.00
By a small entity (§ 1.27(a))	\$168.00
By other than a small or micro entity.....	\$420.00

§ 1.36(a) - for revocation of a power of attorney by fewer than all of the applicants.

§ 1.53(e) - to accord a filing date.

§ 1.182 - for a decision on a question not specifically provided for in an application for a patent.

§ 1.183 - to suspend the rules in an application for a patent.

§ 1.741(b) - to accord a filing date to an application under § 1.740 for an extension of a patent term.

§ 1.1023 - to review the filing date of an international design application.

(g) * * *

Table 11 to Paragraph (g)

By a micro entity (§ 1.29).....	\$44.00
By a small entity (§ 1.27(a))	\$88.00
By other than a small or micro entity.....	\$220.00

§ 1.12 - for access to an assignment record.

§ 1.14 - for access to an application.

§ 1.46 - for filing an application on behalf of an inventor by a person who otherwise shows sufficient proprietary interest in the matter.

§ 1.55(f) - for filing a belated certified copy of a foreign application.

§ 1.55(g) - for filing a belated certified copy of a foreign application.

§ 1.57(a) - for filing a belated certified copy of a foreign application.

§ 1.59 - for expungement of information.

§ 1.103(a) - to suspend action in an application.

- § 1.136(b) - for review of a request for an extension of time when the provisions of § 1.136(a) are not available.
- § 1.377 - for review of a decision refusing to accept and record payment of a maintenance fee filed prior to the expiration of a patent.
- § 1.550(c) - for patent owner requests for an extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for an extension of time in inter partes reexamination proceedings.
- § 5.12 of this chapter - for expedited handling of a foreign filing license.
- § 5.15 of this chapter - for changing the scope of a license.
- § 5.25 of this chapter - for a retroactive license.

(h) * * *

Table 12 to Paragraph (h)

By a micro entity (§ 1.29).....	\$28.00
By a small entity (§ 1.27(a))	\$56.00
By other than a small or micro entity.....	\$140.00

- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

(i) * * *

(1) * * *

Table 13 to Paragraph (i)(1)

By a micro entity (§ 1.29).....	\$28.00
By a small entity (§ 1.27(a))	\$56.00
By other than a small or micro entity.....	\$140.00

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.29(k)(3) - for processing a non-itemized fee deficiency based on an error in micro entity status.
- § 1.41(b) - for supplying the name or names of the inventor or joint inventors in an application without either an application data sheet or the inventor's oath or declaration, except in provisional applications.

§ 1.48 - for correcting inventorship, except in provisional applications.
 § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
 § 1.53(c)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
 § 1.71(g)(2) - for processing a belated amendment under § 1.71(g).
 § 1.102(e) - for requesting prioritized examination of an application.
 § 1.103(b) - for requesting limited suspension of action, continued prosecution application for a design patent (§ 1.53(d)).
 § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
 § 1.103(d) - for requesting deferred examination of an application.
 § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
 § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

* * * * *

(k) * * *

Table 15 to Paragraph (k)

By a micro entity (§ 1.29).....	\$320.00
By a small entity (§ 1.27(a))	\$640.00
By other than a small or micro entity.....	\$1,600.00

* * * * *

(m) * * *

Table 16 to Paragraph (m)

By a micro entity (§ 1.29).....	\$420.00
By a small entity (§ 1.27(a)).....	\$840.00
By other than a small or micro entity.....	\$2,100.00

* * * * *

(o) * * *

Table 17 to Paragraph (o)

By a small entity (§ 1.27(a)) or micro entity (§ 1.29).....	\$72.00
By other than a small or micro entity.....	\$180.00

(p) * * *

Table 18 to Paragraph (p)

By a micro entity (§ 1.29).....	\$52.00
By a small entity (§ 1.27(a)).....	\$104.00
By other than a small or micro entity.....	\$260.00

* * * * *

(r) * * *

Table 19 to Paragraph (r)

By a micro entity (§ 1.29).....	\$176.00
By a small entity (§ 1.27(a)).....	\$352.00
By other than a small or micro entity.....	\$880.00

(s) * * *

Table 20 to Paragraph (s)

By a micro entity (§ 1.29).....	\$176.00
By a small entity (§ 1.27(a)).....	\$352.00
By other than a small or micro entity.....	\$880.00

(t) * * *

Table 21 to Paragraph (t)

By a micro entity (§ 1.29).....	\$36.00
---------------------------------	---------

By a small entity (§ 1.27(a)).....	\$72.00
By other than a small or micro entity.....	\$180.00

5. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], § 1.18 is amended by revising the tables in paragraphs (a), (b)(1), and (c) to read as follows:

§ 1.18 Patent post allowance (including issue) fees.

(a) * * *

Table 1 to Paragraph (a)

By a micro entity (§ 1.29).....	\$240.00
By a small entity (§ 1.27(a)).....	\$480.00
By other than a small or micro entity.....	\$1,200.00

(b)(1) * * *

Table 2 to Paragraph (b)(1)

By a micro entity (§ 1.29).....	\$148.00
By a small entity (§ 1.27(a)).....	\$296.00
By other than a small or micro entity.....	\$740.00

* * * * *

(c) * * *

Table 3 to Paragraph (c)

By a micro entity (§ 1.29).....	\$168.00
By a small entity (§ 1.27(a)).....	\$336.00
By other than a small or micro entity.....	\$840.00

* * * * *

6. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], § 1.20 is amended by revising the tables in paragraphs (c)(1)(i), (c)(2) through (4), (c)(6) and (7), (e) through (h), (k)(1) and (2), and (k)(3)(i) and (ii) to read as follows:

§ 1.20 Post-issuance fees.

* * * * *

(c) * * *

(1)(i) * * *

Table 1 to Paragraph (c)(1)(i)

By a micro entity (§ 1.29).....	\$1,260.00
By a small entity (§ 1.27(a)).....	\$2,520.00
By other than a small or micro entity.....	\$6,300.00

* * * * *

(2) * * *

Table 2 to Paragraph (c)(2)

By a micro entity (§ 1.29).....	\$2,520.00
By a small entity (§ 1.27(a)).....	\$5,040.00
By other than a small or micro entity.....	\$12,600.00

(3) * * *

Table 3 to Paragraph (c)(3)

By a micro entity (§ 1.29).....	\$96.00
By a small entity (§ 1.27(a)).....	\$192.00
By other than a small or micro entity.....	\$480.00

(4) * * *

Table 4 to Paragraph (c)(4)

By a micro entity (§ 1.29).....	\$20.00
By a small entity (§ 1.27(a)).....	\$40.00
By other than a small or micro entity.....	\$100.00

* * * * *

(6) * * *

Table 5 to Paragraph (c)(6)

By a micro entity (§ 1.29).....	\$408.00
By a small entity (§ 1.27(a)).....	\$816.00
By other than a small or micro entity.....	\$2,040.00

(7) * * *

Table 6 to Paragraph (c)(7)

By a micro entity (§ 1.29).....	\$756.00
By a small entity (§ 1.27(a)).....	\$1,512.00
By other than a small or micro entity.....	\$3,780.00

* * * * *

(e) * * *

Table 7 to Paragraph (e)

By a micro entity (§ 1.29).....	\$400.00
By a small entity (§ 1.27(a)).....	\$800.00
By other than a small or micro entity.....	\$2,000.00

(f) * * *

Table 8 to Paragraph (f)

By a micro entity (§ 1.29).....	\$752.00
By a small entity (§ 1.27(a)).....	\$1,504.00
By other than a small or micro entity.....	\$3,760.00

(g) * * *

Table 9 to Paragraph (g)

By a micro entity (§ 1.29).....	\$1,540.00
By a small entity (§ 1.27(a)).....	\$3,080.00
By other than a small or micro entity.....	\$7,700.00

(h) * * *

Table 10 to Paragraph (h)

By a micro entity (§ 1.29).....	\$100.00
By a small entity (§ 1.27(a)).....	\$200.00
By other than a small or micro entity.....	\$500.00

* * * * *

(k) * * *

(1) * * *

Table 12 to Paragraph (k)(1)

By a micro entity (§ 1.29).....	\$924.00
By a small entity (§ 1.27(a)).....	\$1,848.00
By other than a small or micro entity.....	\$4,620.00

(2) * * *

Table 13 to Paragraph (k)(2)

By a micro entity (§ 1.29).....	\$2,540.00
By a small entity (§ 1.27(a)).....	\$5,080.00
By other than a small or micro entity.....	\$12,700.00

(3) * * *

(i) * * *

Table 14 to Paragraph (k)(3)(i)

By a micro entity (§ 1.29).....	\$36.00
By a small entity (§ 1.27(a))	\$72.00
By other than a small or micro entity.....	\$180.00

(ii) * * *

Table 15 to Paragraph (k)(3)(ii)

By a micro entity (§ 1.29).....	\$60.00
By a small entity (§ 1.27(a)).....	\$120.00
By other than a small or micro entity.....	\$300.00

7. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], §

1.21 is amended by revising the tables in paragraphs (o)(1) and (2) to read as follows:

§ 1.21 Miscellaneous fees and charges.

* * * * *

(o) * * *

(1) * * *

Table 1 to Paragraph (o)(1)

By a micro entity (§ 1.29).....	\$212.00
By a small entity (§ 1.27(a)).....	\$424.00
By other than a small or micro entity.....	\$1,060.00

(2) * * *

Table 2 to Paragraph (o)(2)

By a micro entity (§ 1.29).....	\$2,100.00
By a small entity (§ 1.27(a)).....	\$4,200.00
By other than a small or micro entity.....	\$10,500.00

* * * * *

8. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], §

1.445 is amended by:

- a. Redesignating paragraphs (a)(1)(i)(A) through (C), as paragraphs (a)(1)(i)(B) through (D);
- b. Adding new paragraph (a)(1)(i)(A);
- c. Revising newly redesignated paragraph (a)(1)(i)(B) introductory text and table heading;
- d. Revising the table heading in newly redesignated paragraph (a)(1)(i)(C);

- e. Revising the table heading in paragraph (a)(1)(ii);
- f. Redesignating paragraphs (a)(2)(i) through (iii) as paragraphs (a)(2)(ii) through (iv);
- g. Adding new paragraph (a)(2)(i);
- h. Revising newly redesignated paragraph (a)(2)(ii) introductory text and table heading;
- i. Revising the table heading in newly redesignated paragraph (a)(2)(iii);
- j. Redesignating paragraphs (a)(3)(i) through (iii) as paragraphs (a)(3)(ii) through (iv);
- k. Adding new paragraph (a)(3)(i);
- l. Revising newly redesignated paragraph (a)(3)(ii) introductory text and table heading;
- m. Revising the table heading in newly redesignated paragraph (a)(3)(iii); and
- n. Revising the table in paragraph (a)(5).

The revisions and additions read as follows:

§ 1.445 International application filing, processing and search fees.

(a) * * *

(1) * * *

(i) * * *

(A) For an international application having a receipt date that is on or after December 29, 2022:

Table 1 to Paragraph (a)(1)(i)(A)

By a micro entity (§ 1.29).....	\$52.00
By a small entity (§ 1.27(a)).....	\$104.00
By other than a small or micro entity.....	\$260.00

(B) For an international application having a receipt date that is on or after October 2, 2020 and before December 29, 2022:

Table 2 to Paragraph (a)(1)(i)(B)

* * * * *

(C) * * *

Table 3 to Paragraph (a)(1)(i)(C)

* * * * *

(ii) * * *

Table 4 to Paragraph (a)(1)(ii)

* * * * *

(2) * * *

(i) For an international application having a receipt date that is on or after April 1, 2023:

Table 5 to Paragraph (a)(2)(i)

By a micro entity (§ 1.29).....	\$436.00
By a small entity (§ 1.27(a)).....	\$872.00
By other than a small or micro entity.....	\$2,180.00

(ii) For an international application having a receipt date that is on or after October 2, 2020, and before April 1, 2023:

Table 6 to Paragraph (a)(2)(ii)

* * * * *

(iii) * * *

Table 7 to Paragraph (a)(2)(iii)

* * * * *

(3) * * *

(i) For an international application having a receipt date that is on or after April 1, 2023:

Table 8 to Paragraph (a)(3)(i)

By a micro entity (§ 1.29).....	\$436.00
By a small entity (§ 1.27(a)).....	\$872.00
By other than a small or micro entity.....	\$2,180.00

(ii) For an international application having a receipt date that is on or after October 2, 2020
and before April 1, 2023:

Table 9 to Paragraph (a)(3)(ii)

* * * * *

(iii) * * *

Table 10 to Paragraph (a)(3)(iii)

* * * * *

(5) * * *

Table 11 to Paragraph (a)(5)

By a micro entity (§ 1.29).....	\$64.00
By a small entity (§ 1.27(a)).....	\$128.00
By other than a small or micro entity.....	\$320.00

* * * * *

9. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], § 1.482 is amended by revising the tables in paragraphs (a)(1)(i) and (ii), (a)(2), and (c) to read as follows:

§ 1.482 International preliminary examination and processing fees.

(a) * * *

(1) * * *

(i) * * *

Table 1 to Paragraph (a)(1)(i)

By a micro entity (§ 1.29).....	\$128.00
By a small entity (§ 1.27(a)).....	\$256.00
By other than a small or micro entity.....	\$640.00

(ii) * * *

Table 2 to Paragraph (a)(1)(ii)

By a micro entity (§ 1.29).....	\$160.00
By a small entity (§ 1.27(a)).....	\$320.00
By other than a small or micro entity.....	\$800.00

(2) * * *

Table 3 to Paragraph (a)(2)

By a micro entity (§ 1.29).....	\$128.00
By a small entity (§ 1.27(a)).....	\$256.00
By other than a small or micro entity.....	\$640.00

* * * * *

(c) * * *

Table 4 to Paragraph (c)

By a micro entity (§1.29)	\$64.00
By a small entity (§ 1.27(a))	\$128.00
By other than a small or micro entity	\$320.00

10. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], § 1.492 is amended by revising the tables in paragraphs (a), (b)(2) through (4), (c)(2), (d) through (f), and (h) through (j) to read as follows.

§ 1.492 National stage fees.

* * * * *

(a) * * *

Table 1 to Paragraph (a)

By a micro entity (§ 1.29).....	\$64.00
By a small entity (§ 1.27(a)).....	\$128.00
By other than a small or micro entity.....	\$320.00

(b) * * *

(2) * * *

Table 3 to Paragraph (b)(2)

By a micro entity (§ 1.29).....	\$28.00
By a small entity (§ 1.27(a)).....	\$56.00
By other than a small or micro entity.....	\$140.00

(3) * * *

Table 4 to Paragraph (b)(3)

By a micro entity (§ 1.29).....	\$108.00
By a small entity (§ 1.27(a)).....	\$216.00
By other than a small or micro entity.....	\$540.00

(4) * * *

Table 5 to Paragraph (b)(4)

By a micro entity (§ 1.29).....	\$140.00
By a small entity (§ 1.27(a)).....	\$280.00
By other than a small or micro entity.....	\$700.00

(c) * * *

(2) * * *

Table 7 to Paragraph (c)(2)

By a micro entity (§ 1.29).....	\$160.00
By a small entity (§ 1.27(a)).....	\$320.00
By other than a small or micro entity.....	\$800.00

(d) * * *

Table 8 to Paragraph (d)

By a micro entity (§ 1.29).....	\$96.00
By a small entity (§ 1.27(a)).....	\$192.00
By other than a small or micro entity.....	\$480.00

(e) * * *

Table 9 to Paragraph (e)

By a micro entity (§ 1.29).....	\$20.00
By a small entity (§ 1.27(a)).....	\$40.00
By other than a small or micro entity.....	\$100.00

(f) * * *

Table 10 to Paragraph (f)

By a micro entity (§ 1.29).....	\$172.00
By a small entity (§ 1.27(a)).....	\$344.00
By other than a small or micro entity.....	\$860.00

* * * * *

(h) * * *

Table 11 to Paragraph (h)

By a micro entity (§ 1.29).....	\$32.00
By a small entity (§ 1.27(a)).....	\$64.00
By other than a small or micro entity.....	\$160.00

(i) * * *

Table 12 to Paragraph (i)

By a micro entity (§ 1.29).....	\$28.00
By a small entity (§ 1.27(a)).....	\$56.00
By other than a small or micro entity.....	\$140.00

(j) * * *

Table 13 to Paragraph (j)

By a micro entity (§ 1.29).....	\$84.00
By a small entity (§ 1.27(a)).....	\$168.00
By other than a small or micro entity.....	\$420.00

11. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], § 1.1031 is amended by revising the table in paragraph (a) to read as follows:

§ 1.1031 International design application fees.

(a) * * *

Table 1 to Paragraph (a)

By a micro entity (§ 1.29).....	\$24.00
By a small entity (§ 1.27(a)).....	\$48.00
By other than a small or micro entity.....	\$120.00

* * * * *

PART 41—PRACTICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

12. The authority citation for 37 CFR part 41 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), 3(a)(2)(A), 21, 23, 32, 41, 134, 135, and Pub. L. 112-29.

13. Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], § 41.20 is amended by revising the tables in paragraphs (b)(1), (b)(2)(ii), and (b)(3) and (4) to read as follows:

§ 41.20 Fees.

* * * * *

(b) * * *

(1) * * *

Table 1 to Paragraph (b)(1)

By a micro entity (§ 1.29).....	\$168.00
By a small entity (§ 1.27(a)).....	\$336.00
By other than a small or micro entity.....	\$840.00

(2) * * *

(ii) * * *

Table 2 to Paragraph (b)(2)(ii)

By a micro entity (§ 1.29).....	\$420.00
By a small entity (§ 1.27(a)).....	\$840.00
By other than a small or micro entity.....	\$2,100.00

(3) * * *

Table 3 to Paragraph (b)(3)

By a micro entity (§ 1.29).....	\$272.00
By a small entity (§ 1.27(a)).....	\$544.00
By other than a small or micro entity.....	\$1,360.00

(4) * * *

Table 4 to Paragraph (b)(4)

By a micro entity (§ 1.29).....	\$472.00
By a small entity (§ 1.27(a)).....	\$944.00
By other than a small or micro entity.....	\$2,360.00

Katherine K. Vidal

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2023-05382 Filed: 3/21/2023 8:45 am; Publication Date: 3/22/2023]